REMARKS/ARGUMENTS

Upon entry of the foregoing amendments, claims 38-43 will be pending in the present application, of which claims 38, 40, 41, and 43 are the independent claims.

Claims 1, 3-15, 18-21, 28, 30, 32, 34 and 35, which were withdrawn from consideration as being non-elected in response to a restriction/election requirement, have been canceled in the foregoing amendments, without prejudice to present those claims in further continuing application(s) filed during the pendency of the present application.

Applicants appreciate the opportunity afforded the applicants' undersigned attorneys to conduct a telephone interview with Examiner Hodge on December 23, 2008. In the interview, the parties discussed U.S. Patent No. 5,783,325 ("Cabasso"), and the applicants suggested filing method claims directed to a method of preparing a voltage reversal tolerant fuel cell anode structure as a way to distinguish the present technology over the Cabasso reference.

Support for New Claims 38-43

New claims 38-43 recite a method of preparing a voltage reversal tolerant fuel cell anode structure and an improved method of imparting voltage reversal tolerance to a fuel cell anode structure as defined in independent claims 38, 40, 41, and 43. The preparation of a voltage reversal tolerant fuel cell anode structure is fully supported in the specification at, for example, paragraphs 0017, 0023, 0054 and 0055 of the published application.

Rejections in view of Cabasso

In the November 3, 2008, Final Office Action, claims 16, 25, 29, 31, 33, 36, and 37 were rejected as being anticipated under 35 U.S.C. § 102(b) by Cabasso et al. U.S. Patent No. 5,783,325 ("Cabasso"), or, in the alternative, under 35 U.S.C. § 103(a) for obviousness in view of Cabasso.

Cabasso describes a standard gas diffusion electrode (GDE), in which the substrate is filled with a carbon/polymer (poly(vinylidene-fluoride)) fill and an electrocatalyst supported on carbon is then applied to the substrate. (*See* col. 4, lines 42-56.) Applicants recognize that the carbon particles embedded in the carbon matrix with the poly(vinylidene) fluoride may comprise more than one type of carbon. (*See* col. 7, lines 31-36.) In Cabasso, however, the carbon particles supporting the electrocatalyst is not mixed with a second, less corrosion resistant carbon. The carbon fill for the substrate and the carbon support for the electrocatalyst are therefore in ***separate*** areas of Cabasso's GDE. The carbon/PVF fill aids the conductivity and water management of Cabasso's electrode. Cabasso does not teach or disclose a voltage reversal tolerant fuel cell anode structure, a method of preparing a voltage reversal tolerant fuel cell anode structure, or an improved method of imparting voltage reversal tolerance to a fuel cell anode structure.

The present claims, as amended, are all now limited to a method of preparing a voltage reversal tolerant fuel cell anode structure or an improved method of imparting voltage reversal tolerance to a fuel cell anode structure. By contrast, Cabasso nowhere even mentions fuel cell voltage reversal or the attendant problem of carbon corrosion, either of the electrocatalyst support or of the substrate fill. Moreover, Cabasso nowhere discloses or suggests a method of

preparing a voltage reversal tolerant fuel cell anode structure or an improved method of imparting voltage reversal tolerance to a fuel cell anode structure.

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In view of the foregoing amendments and remarks, applicants submit that claims 38-43 are allowable. The Examiner is invited to telephone the applicants' undersigned attorney at (312) 775-8000 if any unresolved matters remain.

Please charge any fees incurred in connection with this submission to Deposit Account No. 13-0017.

Respectfully submitted,

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